

SENATE BILL NO. 605

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIDGEWAY.

Pre-filed December 1, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

3421S.01I

AN ACT

To amend chapter 135, RSMo, by adding thereto two new sections relating to a tax credit for contributions to pregnancy resource centers.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 135, RSMo, is amended by adding thereto two new sections, to be known as sections 135.630 and 135.631, to read as follows:

135.630. 1. As used in this section, the following terms shall mean:

(1) "Contribution", a donation of cash, stock, bonds, or other marketable securities, or real property;

(2) "Director", the director of the department of social services;

(3) "Pregnancy resource center", a nonresidential facility located in this state:

(a) Established and operating primarily to provide assistance to women with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and material support, and other similar services to encourage and assist such women in carrying their pregnancies to term; and

(b) Where childbirths are not performed; and

(c) Which does not perform or refer for abortions and which does not hold itself out as performing or referring for abortions; and

(d) Which provides direct client services at the facility, as opposed to merely providing counseling or referral services by telephone; and

(e) Which provides its services at no cost to its clients; and

(f) Which is exempt from income taxation pursuant to the United States Internal Revenue Code;

(4) "State tax liability", in the case of a business taxpayer, any

23 liability incurred by such taxpayer pursuant to the provisions of
24 chapters 143, 147, 148, and 153, RSMo, excluding sections 143.191 to
25 143.265, RSMo, and related provisions, and in the case of an individual
26 taxpayer, any liability incurred by such taxpayer pursuant to the
27 provisions of chapter 143, RSMo, excluding sections 143.191 to 143.265,
28 RSMo, and related provisions;

29 (5) "Taxpayer", a person, firm, a partner in a firm, corporation or
30 a shareholder in an S corporation doing business in the state of
31 Missouri and subject to the state income tax imposed by the provisions
32 of chapter 143, RSMo, or a corporation subject to the annual
33 corporation franchise tax imposed by the provisions of chapter 147,
34 RSMo, or an insurance company paying an annual tax on its gross
35 premium receipts in this state, or other financial institution paying
36 taxes to the state of Missouri or any political subdivision of this state
37 pursuant to the provisions of chapter 148, RSMo, or an express
38 company which pays an annual tax on its gross receipts in this state
39 pursuant to chapter 153, RSMo, or an individual subject to the state
40 income tax imposed by the provisions of chapter 143, RSMo.

41 2. A taxpayer shall be allowed to claim a tax credit against the
42 taxpayer's state tax liability in an amount equal to fifty percent of the
43 amount such taxpayer contributed to a pregnancy resource center.

44 3. The amount of the tax credit claimed shall not exceed the
45 amount of the taxpayer's state tax liability for the taxable year that the
46 credit is claimed, and such taxpayer shall not be allowed to claim a tax
47 credit in excess of fifty thousand dollars per taxable year. However,
48 any tax credit that cannot be claimed in the taxable year the
49 contribution was made may be carried over to the next four succeeding
50 taxable years until the full credit has been claimed.

51 4. Except for any excess credit that is carried over under
52 subsection 3 of this section, a taxpayer shall not be allowed to claim a
53 tax credit unless the total amount of such taxpayer's contribution or
54 contributions to a pregnancy resource center or centers in such
55 taxpayer's taxable year has a value of at least one hundred dollars.

56 5. The director shall determine, at least annually, which facilities
57 in this state may be classified as pregnancy resource centers. The
58 director may require of a facility seeking to be classified as a
59 pregnancy resource center whatever information deemed reasonably

60 necessary to make such a determination. The director shall classify a
61 facility as a pregnancy resource center if such facility meets the
62 definition set forth in subsection 1 of this section.

63 6. The director shall establish a procedure by which a taxpayer
64 can determine if a facility has been classified as a pregnancy resource
65 center. Pregnancy resource centers shall be permitted to decline a
66 contribution from a taxpayer. The cumulative amount of tax credits
67 that may be claimed by all the taxpayers contributing to pregnancy
68 resource centers in any one fiscal year shall not exceed two million
69 dollars. Tax credits shall be issued in the order contributions are
70 received.

71 7. The director shall establish a procedure by which, from the
72 beginning of the fiscal year until some point in time later in the fiscal
73 year to be determined by the director, the cumulative amount of tax
74 credits are equally apportioned among all facilities classified as
75 pregnancy resource centers. If a pregnancy resource center fails to use
76 all, or some percentage to be determined by the director, of its
77 apportioned tax credits during this predetermined period of time, the
78 director may reapportion these unused tax credits to those pregnancy
79 resource centers that have used all, or some percentage to be
80 determined by the director, of their apportioned tax credits during this
81 predetermined period of time. The director may establish more than
82 one period of time and reapportion more than once during each fiscal
83 year. To the maximum extent possible, the director shall establish the
84 procedure described in this subsection in such a manner as to ensure
85 that taxpayers can claim all the tax credits possible up to the
86 cumulative amount of tax credits available for the fiscal year.

87 8. This section shall apply to all tax years ending on or after
88 December 31, 2006.

135.631. Taxpayers shall only be permitted to redeem tax credits
2 they can claim under section 135.630 if the director of revenue has
3 reallocated other state tax credits to section 135.630. The director shall
4 reallocate such other state tax credits if by law they were limited to a
5 maximum amount during a specified time period and such amount has
6 not been fully redeemed or is not reasonably expected to be fully
7 redeemed.